

#5

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiroshi MIYAGI

Art Unit:

S. N. 09/530,369

Examiner:

International S.N.: PCT/JP99/04698

Filed: April 28, 2000

International Filing Date: August 31, 1999

For: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

SECOND REQUEST FOR REFUND

Assistant Commissioner for Patents  
 Box PCT  
 Washington, D.C. 20231

Sir:

A request for a refund was submitted September 5, 2000, from the above application. To date, no response has been received to that submission, neither have indications been received regarding applicant's request for refund. Therefore, applicant again requests refund of the \$130 surcharge.

Copies of the papers filed in September, 2000, requesting refund are enclosed.

Respectfully submitted,



James H. Walters, Reg. No. 35,731

Adjustment date: 09/06/2002 PVDLPE  
 09/08/2000 ERINANED 00000146 09530369  
 01 FC:154 -130.00 OP

DELLETT AND WALTERS  
 Suite 1101  
 310 S. W. Fourth Avenue  
 Portland, Oregon 97204  
 (503) 224-0115  
 DOCKET: A-356

Refund Ref:  
 09/06/2002 PVDLPE 0000120538

CHECK Refund Total: \$130.00



UNITED STATES PATENT & TRADEMARK OFFICE  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 06 SEP 2002

2 Serial/Patent # 09/530,369

3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
Filing			\$
Amendment			\$
Extension of Time			\$
Notice of Appeal/Appeal			\$
Petition			\$
Issue			\$
Cert of Correction/Terminal Disc.			\$
Maintenance			\$
Assignment			\$
Other			\$

7 TOTAL AMOUNT OF REFUND \$ 130.00

8 TO BE REFUNDED BY:

Treasury Check

Credit Deposit A/C #:

10 REASON:

Overpayment

Duplicate Payment

No Fee Due (Explanation):

11 REFUND REQUESTED BY:

Applicant

TYPED/PRINTED NAME:

TITLE:

SIGNATURE: Patricia Volpe

Patricia Volpe  
PCT International Division  
(703) 305-7890

PHONE:

OFFICE:

\*\*\*\*\* THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: John Phillips

DATE:

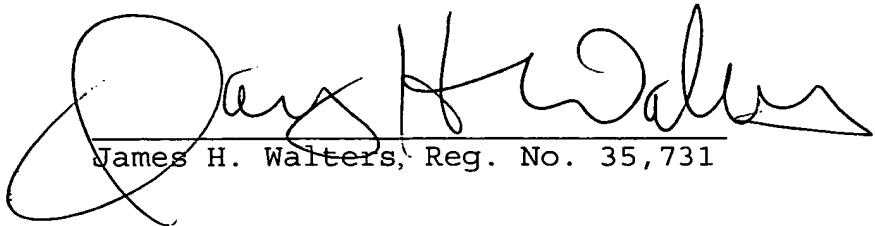
9/1/02

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance  
Refund Branch  
Crystal Park One, Room 802B

Certificate of Mailing

I hereby certify that this Second Request for Refund is being deposited as first class mail with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 9th day of Aug 2002, 2002.



James H. Walters, Reg. No. 35,731

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hiroshi MIYAGI

Art Unit:

S. N. 09/530,369

Examiner:

International S.N.: PCT/JP99/04698

Filed: April 28, 2000

International Filing Date: August 31, 1999

**COPY**

For: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

UNDER 35 U.S.C. 371 IN THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

and

REQUEST FOR REFUND

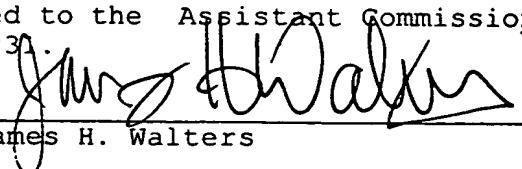
Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) mailed March 1, 1999 (copy enclosed), two copies of the declaration signed by the inventor, identifying this application by International serial number and filing date, are enclosed herewith, together with a check in the

Certification Under 37 CFR 1.10

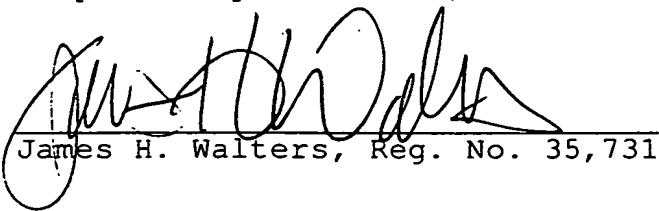
I hereby certify that this Response and the documents and fees referred to as enclosed therein are being deposited with the United States Postal Service on this 5<sup>th</sup> day of September, 2000, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL696074468US addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
James H. Walters

amount of \$130.00 for the surcharge under 37 CFR 1.492(e). The enclosed copies of the declaration are identical except that one copy includes a certification thereon that it is a complete and exact copy of the original (i.e., true copy) and the other is a clean copy of the original.

Applicant's attorney wishes to point out that the original declaration was included with the application at the time of filing the application on April 28, 2000, at 6:26 p.m. Applicant's attorney has reviewed the file to determine if the original declaration could have been retained, but the original declaration is not in the file and, since the applicant's attorney reviewed the contents of the Express Mail packet before sealing the Express Mail packet, he believes the original declaration was transmitted to the Patent Office at the time of filing the application. In support of this statement, true copies of page 1 of the transmittal letter, of the certificate of mailing, and of the declaration of mailing, which was filled out promptly after depositing the application papers with the U.S. Post Office are enclosed herewith. Therefore, a request is hereby made for a refund of the \$130.00 for the surcharge under 37 CFR 1.492(e). Please forward the refund to the undersigned.

Respectfully submitted,



James H. Walters, Reg. No. 35,731

DELLETT AND WALTERS  
Suite 1101  
310 S. W. Fourth Avenue  
Portland, Oregon 97204  
(503) 224-0115  
DOCKET: A-356



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Box PCT  
Washington, D.C. 20231

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/530369		MIYAGI	H A-356
JAMES H WALTERS DELLETT AND WALTERS 310 S W FOURTH AVENUE SUITE 1101 PORTLAND, OR 97024		INTERNATIONAL APPLICATION NO.	
		PCT/JP99/04698	
		LA. FILING DATE:	PRIORITY DATE:
		31 AUG 99	04 SEP 98
		DATE MAILED: 04 AUG 2000	

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:  
 a Designated Office (37 CFR 1.494).  
 an Elected Office (37 CFR 1.495);  
 U.S. Basic National Fee.  
 Copy of the international application in:  
 a non-English language.  
 English.  
 Translation of the international application into English.  
 Oath or Declaration of inventors(s) for DO/EO/US.  
 Copy of Article 19 amendments.  
 Translation of Article 19 amendments into English.  
 The International Preliminary Examination Report in English and its Annexes, if any.  
 Translation of Annexes to the International Preliminary Examination Report into English.  
 Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_  
 Information Disclosure Statement(s) filed 28 APR 2000 and \_\_\_\_\_  
 Assignment document.  
 Power of Attorney and/or Change of Address.  
 Substitute specification filed \_\_\_\_\_  
 Verified Statement Claiming Small Entity Status.  
 Priority Document.  
 Copy of the International Search Report  and copies of the references cited therein.  
 Other:
2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:  
 a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.  
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.  
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.  
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.  
 d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).
3. Additional claim fees of \$ \_\_\_\_\_ as a  large entity  small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

COPY

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY  21 OR  31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5.  The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

*A copy of this notice MUST be returned with this response.*

Enclosed:

PCT/DO/EO/917  
 PTO-875

Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

*Karen McLean, Paralegal*  
Telephone: 703-308-9117

In re Application of  
Hiroshi MIYAGI

S. N.

International S.N.: PCT/JP99/04698

Filed:

International Filing Date: 31 August 1999

For: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

**DECLARATION OF MAILING**

I, James H. Walters, hereby declare that on

April 28, 2000 at 626 a.m. p.m. I deposited a package bearing an Express Mail mailing label, No. EL485835225US, addressed to:

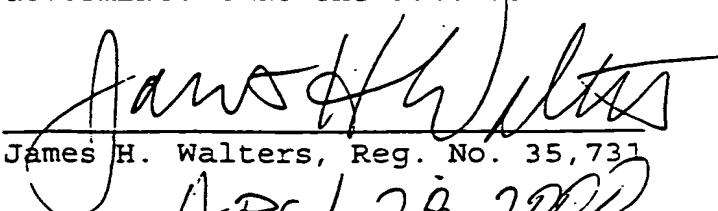
Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231  
 Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513  
 Other \_\_\_\_\_

with the U. S. Post Office at the following location:

Main Branch, Portland, Oregon  
 Central Station, Fifth Avenue, Portland, Oregon  
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I deposited the package with a postal employee and the postal employee indicated that the deposit time was before the last scheduled collection.

I deposited the package in an Express Mail receptacle. Before depositing the package, I examined the collection schedule posted on the receptacle and determined that the last scheduled collection was \_\_\_\_\_ p.m.

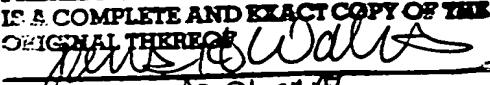
  
James H. Walters, Reg. No. 35,731

Date: April 28, 2000

Time: 632 a.m. p.m.

EL485835225US

I HEREBY CERTIFY THAT THE FOREGOING  
IS A COMPLETE AND EXACT COPY OF THE  
ORIGINAL THEREOF

  
Attorneys for APPLICANT

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

A-356

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

INTERNATIONAL APPLICATION NO.  
PCT/JP99/04698INTERNATIONAL FILING DATE  
31 August 1999PRIORITY DATE CLAIMED  
4 September 1998

## TITLE OF INVENTION

MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

## APPLICANT(S) FOR DO/EO/US

Hiroshi MIYAGI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4.  A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5.  A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been transmitted by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US).
6.  A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7.  A copy of the International Search Report (PCT/ISA/210).
8.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a.  are transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  have been transmitted by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
9.  A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10.  An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11.  A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12.  A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 20 below concern document(s) or information included:

13.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15.  A FIRST preliminary amendment.
16.  A SECOND or SUBSEQUENT preliminary amendment.
17.  A substitute specification.
18.  A change of power of attorney and/or address letter.
19.  Certificate of Mailing by Express Mail
20.  Other items or information:

Inventor Information Sheet (Patent Bibliographical Data)  
 Copy of Form PCT/IB/308  
 Small Entity Statement  
 Form PTO-1449 and copies of documents listed thereon

I HEREBY CERTIFY THAT THE FOREGOING  
 IS A COMPLETE AND EXACT COPY OF THE  
 ORIGINAL THEREOF

*[Signature]*  
 Attorneys for A. Polcari

## CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Hiroshi MIYAGI

Docket No.

A-356

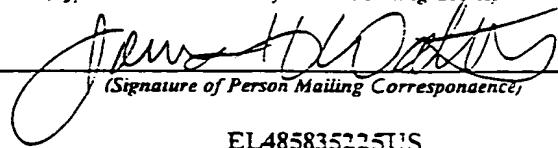
Serial No. PCT/JP99/04698	Filing Date 31 August 1999	Examiner	Group Art Unit
Invention: <b>MEASUREMENT SYSTEM OF COMMUNICATION DEVICE</b>			

I hereby certify that this Entry to National Phase Transmittal (& documents & fees listed as enclosed)  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231

on April 28, 2000  
(Date)

James H. Walters

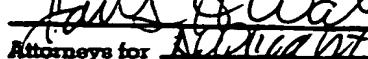
(Typed or Printed Name of Person Mailing Correspondence)


EL485835225US

("Express Mail" Mailing Label Number)

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Attorneys for Applicant

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**DELLETT & WALTERS  
310 SW 4TH AVE STE 1101  
PORTLAND OR 97204-2304**

**A-356**

TO: (PLEASE PRINT)   PHONE ( )

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ORIGINAL THEREOF**

**Attorneys for**

**Applicant**

**In re Application of: Hiroshi MIYAGI**  
Serial Number: 09/530,369 (PCT)JP99/04698  
Filing Date: April 28, 2000 (August 31, 1999)  
Title: MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

Docket Number: A-356

Receipt is hereby acknowledged in the United States Patent and Trademark Office of the following: Two copies of the declaration signed by the inventor in response to the Notification of Missing Requirements Under 37 U.S.C. 371 in the United States Designated/Elected Office, copy of Notice, check for \$130.00 (surcharge under 37 CFR 1.492(e)), copy of page 1 of application transmittal, copy of certificate of mailing, copy of Express Mail Label for application as filed, copy of declaration of mailing, transmittal and request for refund, certificate of mailing by Express Mail Label No. EL696074468US, and this return postcard as of the date stamped hereon.

**DELLETT AND WALTERS**  
PATENT AND TRADEMARK LAW  
310 SW 4TH AVE., STE. 1101 PH 503-224-0

PATENT AND TRADEMARK LAW  
310 SW 4TH AVE., STE. 1101 PH. 503-224-0115  
PORTLAND, OR 97204

313 SW 4TH AVE., STE. 101 PH. 303-224-0115  
PORTLAND, OR 97204

One 111-1

Commissioner of Patents and Trademarks

DATE	AMOUNT
Sep 5/2000	\$130.00

• 000-111-223300098888 • 000-3309-556655555555



Docket No.  
A-356

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

#### MEASUREMENT SYSTEM OF COMMUNICATION DEVICE

the specification of which

(check one)

is attached hereto.

was filed on August 31, 1999 as United States Application No. or PCT International Application Number PCT/JP99/04698  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

#### Priority Not Claimed

<u>10-267306</u> (Number)	<u>JAPAN</u> (Country)	<u>04 September 1998</u> (Day/Month/Year Filed)	<input type="checkbox"/>
<u>                  </u> (Number)	<u>                  </u> (Country)	<u>                  </u> (Day/Month/Year Filed)	<input type="checkbox"/>
<u>                  </u> (Number)	<u>                  </u> (Country)	<u>                  </u> (Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

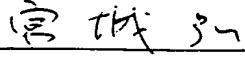
**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

James H. Walters, Reg. No. 35,731

**I authorize the attorney that I have appointed to accept instructions regarding this application and the resulting patent from Amagai Patent Firm.**

Send Correspondence to: Customer No. 802  
**DELLETT AND WALTERS**  
**310 S.W. Fourth Avenue, Suite 1101**  
**Portland, Oregon 97204**

Direct Telephone Calls to: *(name and telephone number)*  
**James H. Walters (503) 224-0115**

Full name of sole or first inventor <b>Hiroshi Miyagi</b>	Date
Sole or first inventor's signature 	25 Apr. 2000
Residence <b>JAPAN</b>	
Citizenship <b>JAPAN</b>	
Post Office Address c/o T. I. F. Co., Ltd.	
<b>5-6-213, San-no 2-chome, Ohta-ku, Tokyo 143-0023 JAPAN</b>	

Full name of second inventor, if any	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	